

**IN THE MATTER OF: BUSINESS OPTIONS, INC.**

**Deposition of Gene Chill**

**July 17, 2003**

**"We'll cover your job ANYWHERE in the country!"**

**COURT REPORTERS, ETCetera, INC.**

**(202) 628-DEPO (3376) (410) 653-1115 1-800-947-DEPO (3376)**

IN THE MATTER OF: BUSINESS OPTIONS, INC.  
Deposition of Gene Chill

July 17, 2003  
"We'll cover your job ANYWHERE in the country!"

1 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION  
2 WASHINGTON, D.C. 20554  
3  
4 IN THE MATTER OF: \* EB DOCKET NO. 08-85  
5 BUSINESS OPTIONS, INC., \* FILE NO. EB-02-TC-151  
6 ORDER TO SHOW CAUSE AND \* NAL ACCOUNT NUMBER:  
7 NOTICE OF OPPORTUNITY \* 30033217002  
8 FOR HEARING \* FRN: 0007179054  
9 \* \* \* \* \*  
10 DEPOSITION OF:  
11 GENE CHILL,  
12 was taken Thursday, July 17, 2003, commencing at  
13 9:30 a.m., at the LaQuinta Inn, 8210 Louisiana  
14 Street, Merrillville, Indiana, before MaryAnn  
15 Herr, Notary Public.  
16 \* \* \* \* \*  
17 COURT REPORTERS, ETCetera, INC.  
18 Maryland Washington  
19 (410) 653-1115 (202) 628-DEPO  
20 "We'll cover your job ANYWHERE in the country!"  
21 1-800-947-DEPO

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1 APPEARANCES:  
2  
3 On behalf of the BUSINESS OPTIONS:  
4 KEMAL HAWA, ESQ.  
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9  
10 On behalf of the FCC:  
11 TRENT B. HARKRADER, ESQ.  
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13 FEDERAL COMMUNICATIONS COMMISSION  
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15 Washington, D.C. 20554  
16 202-418-2955  
17  
18  
19  
20  
21

1 I-N-D-E-X Page 3  
2  
3 EXAMINATION BY: PAGE:  
4 Mr. Harkrader 4  
5 Mr. Hawa 119  
6 Mr. Harkrader 140  
7 Mr. Hawa 161  
8 (NO EXHIBITS MARKED.)  
9  
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1 P-R-O-C-E-E-D-I-N-G-S  
2 WHEREUPON --  
3 GENE CHILL,  
4 a Witness called for examination, having been  
5 first duly sworn, was examined and testified as  
6 follows:  
7 DIRECT EXAMINATION  
8 BY MR. HARKRADER:  
9 Q. Good morning, Mr. Chill. Will you  
10 please state your name for the record.  
11 A. Gene, G-E-N-E, Jeffrey, J-E-F-F-R-E-Y,  
12 Chill, C-H-I-L-L.  
13 Q. And do you have a work address  
14 currently?  
15 A. I don't.  
16 Q. Do you have a home address?  
17 A. I do.  
18 Q. What is that?  
19 A. 1521 Essex, E-S-S-E-X, Drive,  
20 Chesterton, Indiana 46304.  
21 Q. Your date of birth?

1 A. 4-4-57.  
2 Q. April 4th of '57?  
3 A. Yes.  
4 Q. You live in Chesterton?  
5 A. That's correct.  
6 Q. How far away is that from  
7 Merrillville?  
8 A. The way I drive, about 40 minutes.  
9 You would probably take a half hour.  
10 Q. My colleague probably wouldn't. He's  
11 a rather slow driver.  
12 A. Then he would take 40 minutes like  
13 myself.  
14 Q. Did there come a time when you were  
15 employed by Business Options or Buzz Telecom?  
16 A. Yes, sir.  
17 Q. When was that?  
18 A. My first day was the 20th of May,  
19 2002.  
20 Q. Was that with Buzz or Business  
21 Options?

1 A. The company that wrote my checks, I  
2 believe, was U.S. Bell.  
3 Q. And when you started, did you have an  
4 understanding as to the relationship between  
5 Business Options and U.S. Bell?  
6 A. I grew to learn it.  
7 Q. And what was your understanding?  
8 A. I'll say it as best I can. Business  
9 Options was an earlier entity and the name of the  
10 product, and it was under the umbrella of that  
11 which is now called U.S. Bell.  
12 Q. Did there come a time when U.S. Bell  
13 changed its name?  
14 A. Yes.  
15 Q. Was that while you were employed with  
16 U.S. Bell?  
17 A. Yes. That's correct.  
18 Q. What was that new name?  
19 A. Buzz Telecom.  
20 Q. Do you remember approximately when  
21 that name change took place?

1 A. I do. I'm recalling July 31st, 2002.  
2 It may have been July the 1st of 2002. It was  
3 that month. I can't remember if it was the very  
4 first or the very last day of the month.  
5 Q. What business was U.S. Bell and then  
6 Buzz Telecom in?  
7 A. I'm sorry?  
8 Q. What business was U.S. Bell and then  
9 Buzz Telecom in?  
10 A. Providing a long distance product to  
11 residential customers.  
12 Q. Before you were hired at U.S. Bell,  
13 did you have any experience in the  
14 telecommunications industry?  
15 A. Not a day.  
16 Q. Did you have any experience in  
17 responding to or generally dealing with state  
18 regulatory agencies?  
19 A. Not even a day, sir.  
20 Q. How about the same with respect to  
21 federal regulatory agencies?

1 A. Not a day.  
2 Q. Did you have any legal research  
3 experience?  
4 A. No, sir.  
5 Q. Any legal experience at all?  
6 A. Not a bit.  
7 Q. What was your position when you were  
8 hired in May of 2002 by U.S. Bell?  
9 A. Called vice president of  
10 administration.  
11 Q. Can you generally give me what your  
12 responsibilities were at the time you were hired?  
13 A. Sure. Two areas, two main areas that  
14 I was asked to contribute to were internal  
15 personnel matters and marketing.  
16 Q. What were your responsibilities with  
17 respect to the internal personnel matters?  
18 A. Hiring, firing, human resource issues,  
19 disciplinary action, interoffice communications.  
20 And I think that says it.  
21 Q. Could you expand upon interoffice

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1 communications? What does that mean?

2 A. We had a communications center, just a  
3 way of making sure dispatches got from one part  
4 of the company to another, and that just came  
5 under my responsibility to make sure it was  
6 properly maintained. I had a junior personnel  
7 who was called the director of communications who  
8 had to make sure that the mail got properly  
9 sorted, properly routed to the right people.

10 Q. When you started with U.S. Bell, did  
11 it have more than one office?

12 A. No.

13 Q. Do you recall where U.S. Bell's  
14 offices were when you started?

15 A. Well, of course. Where they remain  
16 now, on Louisiana.

17 Q. Can you tell me some of your  
18 responsibilities in the marketing area?

19 A. Sure. I was hired largely because  
20 Kurtis wanted me to maybe think of clever ways to  
21 market our product. I also was involved in

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1 developing marketing programs for alternative  
2 companies. We were looking to expand. Every  
3 company wants to look five years down the road,  
4 what should we be doing, and imagining what we  
5 might be doing. Research of that nature.

6 Q. What were those other companies?

7 A. I had an idea for a publishing  
8 company, to become a publishing company besides  
9 just a telecom company.

10 Q. Those companies that you were thinking  
11 about starting up, were any of them related to  
12 the telecommunications industry?

13 A. No, sir.

14 Q. Did you know -- you referred to Kurtis  
15 Kintzel. Did you know him before you were hired  
16 at U.S. Bell?

17 A. I did not.

18 Q. How did you come about to be hired at  
19 U.S. Bell?

20 A. Mutual friend.

21 Q. Who was that mutual friend?

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1 A. A man by the name of Bill Peninger.  
2 (phonetic.) Through a mutual friend in Chicago.  
3 I met Bill through other acquaintances. I'm new  
4 to Chicago about five or six years. And he was  
5 one of my friends that I grew to know.

6 Q. Did you come to Chicago from Los  
7 Angeles?

8 A. I did.

9 Q. Did you contact Mr. Kintzel about the  
10 job at U.S. Bell?

11 A. I believe so. My recollection isn't  
12 perfect, but I think I made the call.

13 Q. Did you give him a resume?

14 A. I'm not sure. I probably gave him a  
15 letter of some kind which listed my various  
16 assets, but I don't have a specific recollection.

17 Q. Did you come in for an interview?

18 A. Yes.

19 Q. Who did you interview with?

20 A. I spent the better part of a day with  
21 Kurtis.

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1 Q. Did you interview with anyone else?

2 A. I did not.

3 Q. Were you hired at the end of that day  
4 that you met with Kurtis?

5 A. I don't think so really. We had a  
6 great report and he felt I could be an asset to  
7 the company. But I don't think he made his  
8 decision then.

9 Q. When did you find out that he was  
10 going to offer you a job?

11 A. I came back again -- I'm trying to get  
12 the timing for you -- I think that first meeting  
13 was in March of 2002 and I came back again. We  
14 liaised over the phone a bit. I came back down  
15 again in April. And if I recall that lunch,  
16 Keanan joined us. I think we largely struck a  
17 deal then.

18 Q. What was that deal?

19 A. Just discussed salary and he helped me  
20 find a place to live. It was as simple as that.

21 Q. At the time, you were living in

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1 Chicago, correct?  
 2 A. Correct.  
 3 Q. So you found a place to live out in  
 4 Merrillville?  
 5 A. Yes.  
 6 Q. Did you discuss your responsibilities  
 7 with the company at that lunch?  
 8 A. I did. Sure.  
 9 Q. Do you remember what you discussed in  
 10 that respect?  
 11 A. It was brief. It was as I just  
 12 described it to you.  
 13 Q. You said you started in May of 2002 as  
 14 vice president of administration?  
 15 A. Correct.  
 16 Q. And how long were you in that  
 17 position?  
 18 A. Until -- I'm going to say February of  
 19 2003, February of this year.  
 20 Q. And what happened in February of 2003?  
 21 A. I was moved into a strictly marketing

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1 position, and we changed the title to vice  
 2 president of marketing. My office was actually  
 3 -- I became part of Avatar. I was no longer  
 4 employed by Buzz Telecom. The check actually did  
 5 come from Buzz. But to answer your question, the  
 6 vice president of marketing was my new title so I  
 7 could focus just on those kinds of projects I  
 8 described earlier.  
 9 Q. Were you marketing -- I just want to  
 10 clarify this. Were you responsible for marketing  
 11 products to new consumers?  
 12 A. There were no limits on what the  
 13 company hoped I could dream up. I had an idea  
 14 for how we might package long distance. That was  
 15 one of the things that I was researching. And I  
 16 described to you my interest in helping to start  
 17 a publishing unit. I researched radio stations,  
 18 just as a venture. I was part of a team that  
 19 looked at property which was, again, expansion.  
 20 Q. With the hopes that Buzz or Avatar  
 21 would require a radio station or real property?

1 A. Precisely.  
 2 Q. Did you have any responsibility  
 3 starting in February of '03 with respect to what  
 4 I would characterize as the core business of --  
 5 A. Not a one.  
 6 Q. So, no, you were not writing  
 7 telemarketing scripts?  
 8 A. I was not.  
 9 Q. Did you ever write telemarketing  
 10 scripts?  
 11 A. I did not.  
 12 Q. Or verification scripts?  
 13 A. Never.  
 14 Q. You mentioned earlier that you had  
 15 some responsibilities with respect to  
 16 disciplining employees?  
 17 A. Yes.  
 18 Q. Did you have those responsibilities  
 19 from May of 2002 through February of 2003?  
 20 A. Correct.  
 21 Q. Who were the employees that you were

Page 16

1 disciplining?  
 2 A. Many of them.  
 3 Q. What did these employees do generally  
 4 that would cause you to discipline them?  
 5 A. Tardiness, that's the thing that comes  
 6 to mind immediately. There was a big problem  
 7 with tardiness, absenteeism. I suppose ordinary  
 8 employee stuff.  
 9 Q. Did you have any responsibilities for  
 10 disciplining employees for improper telemarketing  
 11 techniques?  
 12 A. Absolutely.  
 13 Q. How did you monitor that?  
 14 A. Two ways. We taped our employees. We  
 15 had a position called tape auditor, and our  
 16 employees were taped without their knowledge.  
 17 These tapes were listened to. Any violation of a  
 18 number of policies that we had would be brought  
 19 to my attention. The other way -- I said two  
 20 ways. The second way would just simply be  
 21 reports written by the manager who was walking

Page 17

1 the floor.

2 Q. So if a manager was walking by a  
3 telemarketer on the floor and they heard that  
4 telemarketer say something that was not in  
5 compliance with Buzz Telecom's standards, they  
6 would make a report to you?

7 A. Correct.

8 Q. Do you recall generally how many of  
9 those types of reports came to your attention in  
10 a given week?

11 A. I'm certain they didn't occur every  
12 week. Do you mean all of them, tardiness as  
13 well?

14 Q. No. I'm talking just with respect to  
15 reports that managers would give you after  
16 walking the floor.

17 A. It's very hard to pinpoint a number.  
18 Certainly not every week.

19 Q. What about by month?

20 A. It's very hard to answer that  
21 question. There are gradients of problems. Some

Page 18

1 would require -- they would be brought to my  
2 attention, but it was clear it was a training  
3 matter. A green person would simply omit part of  
4 the script. We do have a very effective  
5 corrections area, which wouldn't be discipline,  
6 it would be correction. We fix this person. And  
7 so that is not uncommon, especially with the  
8 number of new people we would hire.

9 Those cases of a more flagrant  
10 violation were rare. We were very strict.  
11 People wouldn't get to the floor without it being  
12 made very clear that they were to represent the  
13 company. They actually had to follow the script  
14 verbatim. So it generally didn't need to get to  
15 me. The manager would hear it and they would  
16 squash it there.

17 Q. In the roughly nine months that you  
18 were in this position at U.S. Bell and then Buzz,  
19 do you recall how many of these reports made it  
20 to your level?

21 A. I hate to give you a number because I

Page 19

1 can't actually recall. I remember a Melissa

2 Grissom (phonetic) that I terminated on the spot  
3 for what I felt was a very flagrant  
4 misrepresentation of our product.

5 Q. What about with respect to information  
6 that the tape auditor would bring to your  
7 attention?

8 A. My answer is the same. Many times it  
9 would necessitate a correction. The tape  
10 auditors were very good about bringing these to  
11 my attention. But, in truth, the bulk of them,  
12 the nature of the errors were just corrections.  
13 Just a gradient disciplinary action. Which was  
14 actually below my responsibility. I didn't need  
15 to be involved in the correction of our  
16 employees. But they would make sure I would know  
17 about it, but then I would dispatch that, this  
18 correction, please send to whoever was in the  
19 correction office at the time.

20 Q. And just to clarify, a dispatch is  
21 like a memo?

Page 20

1 A. Yes. Exactly.

2 Q. So is it fair to say that if one of  
3 these complaints with respect to a telemarketer  
4 came to your attention such that you needed to  
5 take some action, was it always a termination at  
6 that point?

7 A. Certainly if it was of some magnitude.  
8 There were transgressions for which there was no  
9 gradient action, termination was on the spot.

10 Q. What were those transgressions?

11 A. I'd say I terminated four or so people  
12 over rudeness. There might even be a few more.  
13 If I got a call from a customer, for example. If  
14 the customer would call the company over the  
15 behavior of our sales rep, that would simply  
16 result in termination.

17 Insubordination -- with 40 people on  
18 the floor, or thereabouts, sometimes there was  
19 30, anywhere between 30 and 40 people -- that  
20 would result in usually a termination. There  
21 were suspensions handed out as well. So, again,

Page 21

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1 depending on the magnitude -- any  
2 misrepresentation, any evidence of another  
3 company from our telemarketer, any gross  
4 violation of the verbatim script, instant  
5 termination.

6 By the time it got to me, they've  
7 already been trained, they've already been  
8 corrected, they already know what they should be  
9 doing. We work very hard as a company to ensure  
10 these people were complying. They drilled it  
11 every day. Our managers on the floor would  
12 emphasize it every day. So by the time it got to  
13 me -- it very rarely got to me, I guess is my  
14 answer.

15 Q. Was it part of your responsibilities  
16 to listen to the tapes?

17 A. At no time to listen to as many tapes  
18 as we made, of course. I would listen to two a  
19 week, possibly. I got the report. I would trust  
20 the report. A tape would get delivered with it  
21 sometimes if it was serious. And then I might

1 Q. Can you recall any other times where  
2 you were listening to or you had occasion to  
3 listen to third-party verification tapes?

4 A. I have one recollection of a  
5 verification tape I heard that resulted in the  
6 termination of the verifier, if I'm correct.  
7 Again, my recollection is not perfect but I  
8 remember a single episode simply because it went  
9 too long, if I recall correctly. I'm recalling  
10 also that there were other disciplinary matters  
11 with this verifier, tardiness and so on. Not an  
12 effective employee.

13 Q. Was this during the time that you were  
14 at U.S. Bell and Buzz?

15 A. Correct.

16 Q. Do you know who the verifier worked  
17 for?

18 A. I don't remember. I don't remember  
19 her name even.

20 Q. Do you remember who the verification  
21 company was that did the third-party

Page 22

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1 listen if I thought it was necessary. That was  
2 very rare.

3 Q. Did you ever listen to or have the  
4 occasion to listen to verification tapes?

5 A. Rarely. But it did occur, yes.

6 Q. What were the circumstances when you  
7 listened to verification tapes?

8 A. A customer service rep, for example,  
9 pulled out a tape and was concerned that a  
10 verifier was not doing his or her job.

11 Q. And the customer service rep is  
12 distinct from the telemarketer?

13 A. Yes.

14 Q. The customer service rep would be in a  
15 separate area or division?

16 A. Definitely.

17 Q. What were the customer services rep's  
18 responsibilities?

19 A. Handling complaints.

20 Q. From consumers?

21 A. Correct.

1 verification?

2 A. There are a few names and I don't  
3 remember them, sorry.

4 Q. Did you have a list or -- I guess the  
5 best way to describe this: Did you have a  
6 checklist of items that the telemarketers were  
7 allowed to say?

8 A. Ask me again please. I'm sorry.

9 Q. Let me ask it in a different way, one  
10 that will hopefully be easier. Did you have a  
11 checklist of items that telemarketers were not  
12 allowed to say?

13 A. No. I think that the answer is no.  
14 There was no such qualification list or something  
15 like that. There was just a script. That was  
16 really the document I had that I needed to stand,  
17 whatever. It was called our standard sales  
18 pitch.

19 Q. Where would those scripts come from?

20 A. Kurtis wrote every one. But I also  
21 think one could request a modification, which he

1 would approve. So they would always come from  
2 the sales division is my point.

3 Q. And to your memory, Kurtis was head of  
4 the sales division or oversaw the sales division?

5 A. As per my recollection.

6 Q. Did you ever have occasion to make any  
7 modifications or suggest any modifications to the  
8 script?

9 A. It was not my responsibility.

10 Q. So would Kurtis come to you with a  
11 script and say, This is what I want our new  
12 script to be?

13 A. I would simply get copied on it via  
14 that communication center.

15 Q. So it was not your responsibility to  
16 make sure that all the telemarketers had the  
17 script?

18 A. No.

19 Q. Did you have any hiring  
20 responsibilities during that time period?

21 A. Yes, sir.

1 Q. And what were they?

2 A. The director of personnel, who really  
3 did most of the hiring, was my junior.

4 Q. And who was that?

5 A. There were four while I was there.

6 Q. Do you remember any of the four's  
7 names?

8 A. I must, yes. Sandra -- it was a  
9 Serbian last name. I'm blanking on that.

10 Angela -- again, I don't know her last name. I'm  
11 embarrassed to say I don't know her last name.  
12 There was a Megan Wheeler who was the director of  
13 personnel. Erin might have been, but she might  
14 not actually have been a director of personnel.  
15 I'm trying to recall. And then there was a Diana  
16 who was a director of personnel.

17 Q. And what was generally the director of  
18 personnel's responsibilities?

19 A. Take the application, review the  
20 application, brief interview, hire the person,  
21 handle the paperwork.

1 Q. Were these applications predominantly  
2 for the telemarketing position?

3 A. Well over half.

4 Q. What were the other positions that  
5 were available?

6 A. Administrative staff.

7 Q. Did you ever interview any of the  
8 personnel who was applying for the telemarketer  
9 positions?

10 A. No, sir.

11 Q. Did you ever interview any of the  
12 personnel applying for other administrative  
13 positions?

14 A. If they were -- only managers and  
15 above. Those are who I would meet at least and  
16 get my seal of approval. I would meet all of  
17 them, I suppose. You're saying interview. I  
18 would meet them, but interview, no. I did the  
19 preliminary interviews for one of the individuals  
20 in the accounting area, for example.

21 Q. Did you make the decision whether or

1 not to hire telemarketers?

2 A. No, sir. The director of personnel  
3 had that power.

4 Q. What about with respect to  
5 non-telemarketing personnel?

6 A. There wasn't a formal method. My  
7 input was important. But the area that person  
8 was going to work in needed the -- I really  
9 granted the right of that manager of that area to  
10 make a decision largely. But we all needed  
11 consent.

12 Q. Do you recall in your roughly nine  
13 months at U.S. Bell and Buzz Telecom how many  
14 telemarketers you had to terminate?

15 A. Oh, that's a very tough call. I don't  
16 recall.

17 Q. More than ten?

18 A. Certainly.

19 Q. More than 30?

20 A. In nine months, that would be three to  
21 four a month? Qualifying it as a guess, I'll say

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1 50.

2 Q. That's fine. And you're basing that  
3 roughly on three to four terminations a month?

4 A. I'll call it five to six per month.

5 Q. Do you recall how many of those  
6 terminations were for transgressions related  
7 solely to the telemarketer's interaction with  
8 potential customers?

9 A. Genuinely few. I couldn't give you a  
10 number exactly. Genuinely few. The terminations  
11 were largely the product of failure to show,  
12 failure to show on time, behavioral matters.

13 Q. Such as insubordination?

14 A. Correct. And we would terminate for  
15 lack of production, would be the other more  
16 common scenario, if we had someone who just  
17 couldn't sell.

18 Q. Do you remember what the standard was  
19 for that?

20 A. We had no set standard. And we worked  
21 to establish them and would modify them and we

1 me 40 examples of doing this, I could show you 40  
2 completely different approaches.

3 Q. Was it unusual for you to overrule  
4 what the sales manager --

5 A. It was not unusual.

6 Q. Do you recall generally how many  
7 employees you fired for this reason in the  
8 roughly nine months you were there?

9 A. Sir, I just don't. I would hesitate  
10 to even offer you a number. It would simply be  
11 fabrication.

12 Q. Fair enough. Did you have any  
13 responsibility in the hiring of Shalanda  
14 Robinson?

15 A. Shalanda was there many years, I  
16 understand, before I got there.

17 Q. What about with respect to Shannon  
18 Dennie?

19 A. Interestingly, Shannon Dennie was  
20 interviewed, evaluated, and hired completely in  
21 my absence during a three week trip to Los

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1 would discuss this, but I had no standard in  
2 fact.

3 Q. Would you make the decision to  
4 terminate an employee for lack of productivity?

5 A. I wouldn't make the -- may I answer it  
6 this way? I would not be the sole party making  
7 that decision. It would come from the sales  
8 floor that this person was not producing and they  
9 would largely request that of me.

10 Q. So whoever it was that was on the  
11 sales floor or oversaw the sales floor would come  
12 to you and say that this particular telemarketer  
13 is just not producing for us?

14 A. Largely through the dispatch as I  
15 described.

16 Q. And then what would you do in that  
17 situation?

18 A. I'm big on training them and giving  
19 them a chance. It depended really, I guess, on  
20 their attitude and how badly they wanted to  
21 learn. Some of it was an easy call. If you show

1 Angeles.

2 Q. Quick work.

3 A. I came back and there she was.

4 Q. How about Lisa Green?

5 A. I did an interview with Lisa Green but  
6 not the hire. Though, if I recall correctly, she  
7 had my blessing.

8 Q. So you recommended the company hire  
9 her?

10 A. I think I did. I liked her. If I  
11 recall correctly, yes.

12 Q. Do you remember roughly when you  
13 interviewed her?

14 A. Oh, can I guess? Late fall, early  
15 winter of last year. It would be in the file.

16 Q. But sitting here today, you don't  
17 remember the month?

18 A. No, I don't frankly even remember the  
19 interview.

20 Q. Okay.

21 A. May I amend one answer?

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1 Q. You may.

2 A. I was gone for really over three  
3 weeks. I may have met Shannon Dennie. I'm now  
4 getting a possibility that I did shake Shannon  
5 Dennie's hand in the lobby possibly in the  
6 application process. So in the name of complete  
7 accuracy, I guess I just don't remember.

8 Q. But you don't remember having anything  
9 to do with her hiring?

10 A. I don't remember that. I sure don't.  
11 And I would not have made that hire. That was  
12 not a hire I could make.

13 Q. Why is that?

14 A. Corporate affairs, that would be done  
15 by the brass.

16 Q. What was your understanding of Lisa  
17 Green's position at the company when she was  
18 hired?

19 A. I'm trying to remember what -- I don't  
20 remember. I'm trying to remember if we hired her  
21 to replace the woman in corporate affairs. So I

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1 think it was -- I don't recall.

2 Q. Was it Amy Dickson?

3 A. Amy Dickson is the one who departed.  
4 It may have been that Lisa was hired as her  
5 replacement. I'm not recalling it. I'm  
6 wondering if Lisa started elsewhere with the  
7 company and I just don't recall.

8 Q. So it's possible that Ms. Green  
9 started not in corporate affairs?

10 A. It's certainly possible. My  
11 recollection is she was hired to replace Amy  
12 Dickson. That is my vague recollection.

13 Q. Why would you have interviewed her and  
14 not Ms. Dennie if they were both destined for  
15 corporate affairs?

16 A. Well, had I been around, I probably  
17 would have at least interviewed Shannon. But it  
18 wasn't a hire I could make. I think that my  
19 viewpoint could have been enlisted, so my two  
20 cents was always useful, just not important.

21 Q. That's good. Thank you. Did you

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1 receive any training in your responsibilities  
2 when you started at U.S. Bell?

3 A. Most certainly. The first two to  
4 three months of my time there was in what you  
5 would consider a training regiment.

6 Q. What did that entail?

7 A. I did a little of everything. I sold  
8 on the floor for a few days, the better part of a  
9 week. I took customer service calls. I did data  
10 entry. Kurtis created a checklist of things to  
11 do that really put me in almost every part of the  
12 company for at least a few days. Had I been more  
13 focused, I would have gone through it more  
14 quickly. But I was also working while training  
15 so it ended up taking about two to three months.  
16 Two months to be fair.

17 Q. Were you successful when you sold on  
18 the floor?

19 A. I'm embarrassed to say I was a  
20 complete washout.

21 Q. Good thing you didn't have to

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1 terminate yourself.

2 A. And I would have.

3 Q. How long during this training period  
4 did you take customer service complaints?

5 A. It was a certain number. I think I  
6 had to take ten calls, was what the program  
7 required of me.

8 Q. At that time, what was the company's  
9 policy with respect to what they did with the  
10 customer service complaints?

11 A. I'm not sure I understand quite what  
12 you're asking about.

13 Q. When you received a customer service  
14 complaint, what did you do?

15 A. Well, with the ten I received, there  
16 were ten different actions. We refunded when  
17 that was warranted.

18 Q. Was that your decision as the customer  
19 service representative?

20 A. At the time, you're saying. Well, I  
21 made no decision, of course. I partnered with

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1 the director of customer service and she helped.  
 2 I took the call but with her instructions, of  
 3 course. I just don't recall exactly how that  
 4 worked. But I was personable in trying to  
 5 understand the customer's complaints and took  
 6 care of it from there.

7 Q. Do you remember there being a specific  
 8 policy with respect to what the customer service  
 9 representatives were supposed to do with the  
 10 calls?

11 A. Not that I recall. No specific  
 12 policy, no.

13 Q. Who did you supervise in your nine  
 14 months there?

15 A. May I understand the question better,  
 16 my direct juniors?

17 Q. Yes.

18 A. That's better. Thank you. The  
 19 receptionist, the director of personnel. We had  
 20 a -- I'm trying to remember the title we gave  
 21 him. He was the maintenance guy. He handled the

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1 building. And then a woman -- a position, who  
 2 happened to be a woman throughout my time there  
 3 -- who was the manager of all those three I just  
 4 described. And so I largely ran her to run those  
 5 three people.

6 Q. Did you have any responsibility over  
 7 sales managers?

8 A. No. None at all.

9 Q. Did you have any responsibility over  
 10 anyone in corporate affairs?

11 A. None whatsoever.

12 Q. Did you have any responsibility over  
 13 anyone in the customer service department?

14 A. No, sir.

15 Q. When you first started at U.S. Bell,  
 16 did you have an understanding of how many states  
 17 in which U.S. Bell was authorized to provide  
 18 service?

19 A. No knowledge whatsoever of that.

20 Q. Did you eventually come to that  
 21 knowledge?

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1 A. Slowly.

2 Q. And how was that?

3 A. As dispatches would come my way -- I  
 4 don't know that I was ever truly -- I couldn't  
 5 tell you now how many states, for example. At no  
 6 one time could I list them for you. It was just  
 7 knowledge that I gained by being there.

8 Q. Can you give me a general idea of what  
 9 those dispatches would say?

10 A. I would just get copied on a dispatch  
 11 that would make reference to a state. And I did  
 12 the math and figured, yes, we can sell there  
 13 because they're on our list here.

14 Q. Were these dispatches directed to you  
 15 or were you effectively -- what I call -- cc'd on  
 16 those?

17 A. Yes, carbon-copied. I was just copied  
 18 or perhaps at an executive council meeting, the  
 19 sales manager would announce that now we're okay  
 20 to sell to this state. So I would learn that  
 21 way.

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1 Q. But it wasn't part of your regular  
 2 responsibilities to track or monitor how many  
 3 states in which U.S. Bell or Buzz or Business  
 4 Options was allowed to sell?

5 A. Completely removed from my  
 6 responsibilities.

7 Q. Did there come a time when you  
 8 understood that the state of Vermont was  
 9 investigating Business Options?

10 A. There was.

11 Q. There did come a time?

12 A. Yes.

13 Q. When was that?

14 A. I'm going to say -- I can't exactly  
 15 tell you. I'm thinking it was around November;  
 16 is that right?

17 Q. Just whatever your memory is.

18 A. I don't recall. I'll say November per  
 19 my recollection. I may be way off.

20 Q. Do you remember how you came to that  
 21 knowledge?

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1 A. I was asked to -- which was commonly  
2 asked of me in the company when there was  
3 something that required just getting something  
4 done, I was asked to do it. And there was a  
5 mailer that needed to go to the state where we  
6 sent out hundreds of letters, and I got just the  
7 basic idea of what we were doing. It wasn't my  
8 business what we were doing specifically. But  
9 what I did was execute the logistics of stuffing  
10 the envelopes, sealing the envelopes, stamping  
11 the envelopes, and seeing they got to the post  
12 office.

13 Q. Can you tell me what a mailer is?

14 A. A letter. Just a letter. We were  
15 sending letters out. Someone had to fold them.  
16 It takes a long time to stuff 1,500 envelopes. I  
17 had the responsibility of just getting the  
18 personnel together, begging them to work late,  
19 whatever. Begging the director of customer  
20 service to let me have customer service reps  
21 because I wasn't going to be able to do it with

1 Q. Did you have any other understanding  
2 about the Vermont investigation of Business  
3 Options other than what you described with the  
4 mailer?

5 A. I don't know that there was even,  
6 other than just what I described.

7 Q. You didn't have any discussion with  
8 Kurtis?

9 A. None whatsoever.

10 Q. Or Ms. Dennie or Ms. Green?

11 A. No.

12 Q. Did your responsibilities ever put you  
13 in contact with Ms. Dennie or Ms. Green?

14 A. Very rarely. I won't say never, but I  
15 would say rarely.

16 Q. What were those occasions, if you can  
17 recall?

18 A. Here's what would have -- but I don't  
19 have an example in my mind. But if they got a  
20 complaint and it involved a specific rep, they  
21 would handle the lawful matter. They would

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1 my people, finding the people on the sales floor  
2 to handle their quotas and then begging them to  
3 come help me. So the specific matter, I had very  
4 little to do with.

5 Q. I'm going to show you a document that  
6 has database stamp No. 08452. Do you recognize  
7 that letter?

8 A. It was probably within the mailer, but  
9 I don't know that I ever read it.

10 Q. Does the format of it look familiar?

11 A. Kind of. I imagine I glanced at it.  
12 I certainly don't recall it, but it would be  
13 likely that I would have looked at it.

14 Q. But you don't have any memory of ever  
15 seeing that letter before?

16 A. No. I have no recollection. Having  
17 seen it pass my eye, it's recorded somehow. I  
18 never had any focus on it.

19 Q. So you certainly didn't help write  
20 this letter?

21 A. I certainly didn't.

1 handle the external line of it, you know what I  
2 mean, the complaint, if you will. And then I  
3 would get copied on the rep, and then I would  
4 handle it from that internal point of view. So I  
5 would then go out and terminate the rep or  
6 whatever the disciplinary action called for. I  
7 just don't recall that happening.

8 I had one exchange with Shannon Dennie  
9 as regards to some questions I answered which  
10 would be one of the few times we actually  
11 exchanged actual documents or where we actually  
12 did some business together. And I don't recall  
13 ever really seeing Lisa except saying "good  
14 morning" or whatever. She was a nice, pleasant  
15 girl.

16 Q. Do you remember when you did business  
17 with Ms. Dennie as you described it?

18 A. That was in November, I believe.

19 Q. Okay. Mr. Chill, I'm showing you a  
20 copy of a letter from the Federal Communications  
21 Commission to the legal department at Business

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1 Options dated November 1st, 2002. I would like  
2 you to take a few seconds and just kind of skim  
3 that letter if you would.  
4 A. You're saying genuinely skim --  
5 Q. Yes.  
6 A. -- so I'll do just that.  
7 Q. Yes. I would like to see if you  
8 recognize that letter.  
9 A. If I recognize it?  
10 Q. Yes, sir.  
11 A. I do. Well, I'm assuming. I don't  
12 know that I do. I have not read it.  
13 Q. You have not read the copy in front of  
14 you?  
15 A. I'll retract that. This is not the  
16 one I thought I had seen on a fax. So I have  
17 never seen this. I have never seen this letter.  
18 Q. Did you have any discussions with Ms.  
19 Dennie about -- strike that.  
20 A. Okay. I can tell you with certainty I  
21 have never seen this letter. Oh, well, these are

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1 questions I answered, aren't they? Yeah. These  
2 now look familiar.  
3 Q. Okay. So you do recognize this?  
4 A. Just that one point. She just gave me  
5 the questions.  
6 Q. Who is she?  
7 A. Shannon. These are the questions  
8 Shannon sent to me. These sound very familiar.  
9 Q. Do you remember when she sent those  
10 questions to you?  
11 A. I'm thinking sometime in November.  
12 But I didn't see the rest of the document, is my  
13 point to you.  
14 Q. Okay.  
15 A. As I'm scanning, I recognize those.  
16 7, 8, 9, 10, and 11.  
17 Q. So it's your testimony that you have  
18 not seen this letter before?  
19 A. Never saw the rest of it.  
20 Q. But Ms. Dennie at some point, in  
21 -- whether you believe, asked you to respond to

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1 questions 7 through 11?  
2 A. Yes. And I received those questions  
3 separate from the rest of the letter because I  
4 don't remember this. None of the rest of this  
5 looks familiar.  
6 Q. Okay. How did you receive those  
7 questions?  
8 A. I don't remember.  
9 Q. You don't remember?  
10 A. A copy, I guess. I'm not recalling.  
11 Did she type them up? I don't recall, sir.  
12 Q. Did she have any discussion with you  
13 about your responses to those questions 7 through  
14 11?  
15 A. None whatsoever. At the time, we  
16 barely knew each other. I don't remember even  
17 speaking to her over it. I think it arrived in  
18 my box. I'm trying to recall. No discussion, to  
19 answer your question. I recall the questions,  
20 but I have not seen the rest of this in any form.  
21 Q. But you don't remember her saying

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1 anything about what was required of you?  
2 A. I can tell you with certainty there  
3 was no actual discussion. Possibly just, you  
4 need to answer these questions. But nothing  
5 else. She wouldn't have offered me anything.  
6 She was fairly new.  
7 Q. She was very new?  
8 A. At the time, I think she was new there  
9 so I don't know that we really knew each other.  
10 So there was not going to be any discussion  
11 between us.  
12 Q. Yes. I believe you're right with  
13 respect to how long she had been employed there.  
14 Do you know how she got your name as the person  
15 who should be responsible for responding to  
16 questions 7 through 11?  
17 A. That's a good question. I have no  
18 idea.  
19 Q. You didn't ask her?  
20 A. No.  
21 Q. Did you know that you were going to be

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1 responding to questions and that those responses  
2 would go to the FCC?  
3 A. I think I knew they were going to the  
4 FCC, yes.  
5 Q. How did you know that?  
6 A. I'm trying to remember. I don't  
7 remember. Possibly she said it. Maybe it was on  
8 the form she gave me. I might have assumed, but  
9 I have recollection that I knew these would be  
10 going to the FCC.  
11 Q. Did you talk to Mr. Kintzel, did you  
12 talk to Kurtis about your responses to those  
13 questions?  
14 A. Not a word and never have.  
15 Q. Did you talk to Keanan Kintzel?  
16 A. Not a word.  
17 Q. When you responded to these questions,  
18 how did you respond? In what format?  
19 A. Typed up answers, I believe.  
20 Q. What did you do with those typed  
21 answers?

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1 A. I'm going to say -- I'm assuming -- I  
2 gave them back to Shannon.  
3 Q. But you don't have the memory today  
4 that you gave them to Ms. Dennie?  
5 A. Correct. Or acknowledgment that she  
6 received them even.  
7 Q. I think I know the answer to this, but  
8 please bear with me one minute.  
9 A. Of course.  
10 Q. I'm going to show you a copy of a  
11 letter dated December 9th of 2002. It's sent on  
12 Business Options letterhead to Peter Wolfe at the  
13 FCC. Have you ever seen that letter before?  
14 A. No -- well...  
15 Q. Have you ever seen the top letter  
16 before?  
17 A. Never. Never heard that name.  
18 Q. Is there anything attached to that  
19 letter that you recognize?  
20 A. Well, I -- never seen this.  
21 Q. And by "this," you mean the second

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1 page?  
2 A. The top of page 2, yeah.  
3 Q. Looking at those responses on the  
4 second page, can you tell generally what  
5 questions those respond to?  
6 A. I knew none of this. I didn't know  
7 these were asked and I would have to guess what  
8 they're even referring to.  
9 Q. And you never saw those responses  
10 before today?  
11 A. Correct. No. I'm learning some of  
12 this for the first time as I'm reading it right  
13 now.  
14 Q. Will you please turn the page.  
15 A. Sure.  
16 Q. Do you recognize that?  
17 A. That I recognize.  
18 Q. What is that?  
19 A. Those are my responses. I typed them  
20 up. This is on my computer-macroed letterhead.  
21 Q. Is there any reason why you did not

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1 sign that letter?  
2 A. Carelessness. It's a macro. It signs  
3 it automatically. Just busy.  
4 Q. And to be honest with you, I'm not  
5 trying to imply that anything is wrong.  
6 A. No. I know. I could sign it here.  
7 Q. I appreciate that, but that won't be  
8 necessary.  
9 A. Just too busy. That's all I could  
10 tell you. I recognize this, of course.  
11 Q. Do you recognize any of the subsequent  
12 pages?  
13 A. Certainly not. I don't even know what  
14 these are.  
15 Q. But you did not recommend that they be  
16 attached to the letter?  
17 A. I don't even know what they are, sir.  
18 Well, I recognize this.  
19 Q. And what are you referring to?  
20 A. Our Relationship with Long Distance  
21 Carrier and Local Exchanges. This is a Buzz

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1 Telecom policy letter. I recognize that.  
 2 Q. Did you write it?  
 3 A. No. I recognize this.  
 4 Q. And what is that?  
 5 A. Standard Sales Pitch. It's just a  
 6 standard sales pitch. I would be copied this in  
 7 my area.  
 8 Q. What was that dated?  
 9 A. Originally, April 24, 2002. Modified  
 10 May 15, 2002.  
 11 Q. Did you write that?  
 12 A. No, sir. I wasn't with the company at  
 13 either of those times.  
 14 Q. Okay.  
 15 A. And I recognize this, of course.  
 16 Q. And what is that?  
 17 A. More of the standard sales pitch.  
 18 Q. And who is that second standard sales  
 19 pitch signed by?  
 20 A. Katrina Reyello (phonetic).  
 21 Q. Did you know Ms. Reyello?

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1 A. Sure.  
 2 Q. What was your relationship with her?  
 3 A. She was not in my area so she was not  
 4 my junior in anyway. We had very little  
 5 association. I would just say we were  
 6 associates.  
 7 Q. Okay.  
 8 A. I read this when I was in my training.  
 9 Q. And, again, what is that?  
 10 A. That is the Objection Handlings.  
 11 Q. And what is that dated?  
 12 A. 26th April 2002.  
 13 Q. And then the last page?  
 14 A. Just more of the same.  
 15 Q. Is the last page a continuation?  
 16 A. Yes. Of the Objection Handlings.  
 17 Q. Do you recall ever suggesting to Ms.  
 18 Dennie or anyone else at Business Options that  
 19 they attach any of these attachments to the May  
 20 9th letter starting with the certificate?  
 21 MR. SHOOK: You mean the December 9th

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1 letter?  
 2 Q. The December 9th letter, starting with  
 3 the state of Illinois, from the office of  
 4 secretary of state and going all the way to Mr.  
 5 Kurtis Kintzel's Business Options' Super Saver,  
 6 Objection Handling, dated April 26th?  
 7 A. I just had no connection with this  
 8 document whatsoever besides the one letter I  
 9 wrote. This is the first time I've seen it. I  
 10 never knew where it went or what happened to it.  
 11 Q. And by "it" you mean this whole  
 12 package?  
 13 A. Right. This package. Exactly.  
 14 Q. And if I can draw your attention to  
 15 the first page which is the actual letter to Mr.  
 16 Wolfe of the FCC dated December 9th. Did you  
 17 have any responsibly for drafting this?  
 18 A. Certainly not.  
 19 Q. You did not review it?  
 20 A. I did not review it.  
 21 Q. You didn't discuss with Ms. Dennie or

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1 anyone else about what was going to go in that  
 2 part of the letter?  
 3 A. The way our business was structured,  
 4 this was just not my area. I had very little  
 5 contact. This would all happen without my  
 6 knowledge.  
 7 Q. Okay. Will you read the first two  
 8 sentences of the letter into the record please?  
 9 A. "Dear Mr. Wolfe, I'm faxing the  
 10 responses as you requested. We will be sending  
 11 over the state complaints as soon as we receive  
 12 them. If you have any questions, comments or  
 13 concerns, please contact me." And then the phone  
 14 number.  
 15 Q. The second sentence that you read  
 16 says, "We will be sending over the state  
 17 complaints as soon as we receive them."  
 18 Do you have any knowledge, sitting  
 19 here today, that Ms. Dennie sent those state  
 20 complaints over?  
 21 A. None whatsoever about the complaints

IN THE MATTER OF: BUSINESS OPTIONS, INC.  
**Deposition of Gene Chill**

**"We'll cover your job ANYWHERE in the country!"**

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1 themselves or whether she responded.  
 2 Q. I'd like to draw your attention to the  
 3 second page of the response.  
 4 A. Okay.  
 5 Q. To the top of the page that's titled  
 6 "Business Options Responses." Will you read the  
 7 last sentence at the bottom of the page.  
 8 A. "For questions 7 through 11, please  
 9 see attached letter from VP of administration."  
 10 Q. Who is VP of administration?  
 11 A. That's me.  
 12 Q. And on December 9th, you were the vice  
 13 president of administration?  
 14 A. That's correct.  
 15 Q. And will you please turn to the third  
 16 page.  
 17 A. Sure.  
 18 Q. Will you describe what that is?  
 19 A. Again, I was given these questions. I  
 20 don't recall the precise form. I get the picture  
 21 in my mind that it's copied, a copy of the

1 time. How about a five-minute break.  
 2 THE WITNESS: Sure.  
 3 (A short break was taken.)  
 4 BY MR. HARKRADER:  
 5 Q. Mr. Chill, before we broke, we were  
 6 discussing the letter that you had drafted dated  
 7 December 4th that was attached to the December 9,  
 8 2002 letter from Business Options to the FCC.  
 9 A. Yes.  
 10 Q. Do you recall if this letter that  
 11 you're looking at in front of you, dated December  
 12 4th, if you drafted everything or wrote  
 13 everything in that letter?  
 14 A. I did, yes.  
 15 Q. Did anybody modify that?  
 16 A. Oh, no.  
 17 Q. Did anybody modify anything you wrote  
 18 in this letter?  
 19 A. No, sir.  
 20 Q. Did anyone review it?  
 21 A. I wouldn't know.

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1 questions themselves. And I'm assuming there  
 2 were no blanks on the form to answer them, so I  
 3 chose to type them on my letterhead on my  
 4 computer.  
 5 Q. And that's what is represented here on  
 6 the third page?  
 7 A. That's correct, yes.  
 8 Q. What is the letter that you drafted?  
 9 Or what is the date on that?  
 10 A. 4 December, 2002.  
 11 Q. Will you read the first sentence?  
 12 A. "As the senior employee over all human  
 13 resource matters at Buzz Telecom, I'm happy to  
 14 forward the answers to questions as of our legal  
 15 department by the FCC." Poor sentence structure,  
 16 but I think you understood what I was trying to  
 17 do.  
 18 Q. I certainly did.  
 19 MR. HAWA: Would this be a good time  
 20 for a break?  
 21 MR. HARKRADER: This would be a good

1 Q. Okay. I would like to draw your  
 2 attention to the November 1st letter from the FCC  
 3 to the legal department of Business Options,  
 4 specifically to questions 7 through 10. If we  
 5 could just start with question 7.  
 6 A. Right.  
 7 Q. Will you please read that question,  
 8 and you can read it out loud please.  
 9 A. "Has BOI or its agents found any  
 10 instances since April 1, 2002 in which BOI  
 11 telemarketing employees told a customer that they  
 12 were representing the customer's telephone  
 13 company and denied that they intended to change  
 14 the customer's preferred carrier? If so, provide  
 15 any documents related to the discovery in this  
 16 packet. Describe each instance in detail  
 17 including but not limited to date, customer name,  
 18 customer telephone number, content of the  
 19 conversation."  
 20 Q. Okay. Thank you for reading that.  
 21 You testified earlier that you received a

1 separate document that had these questions  
2 attached to it. You did not receive this letter  
3 dated November 1st from the FCC, did you?

4 A. That is correct. I have not seen this  
5 entire document.

6 Q. Until today?

7 A. Yes.

8 Q. Do you happen to have a copy of the  
9 document that you did receive?

10 A. No, sir.

11 Q. Do you recall that you received it  
12 from Ms. Dennie?

13 A. Vaguely. Sure.

14 MR. HARKRADER: Have you ever seen a  
15 copy of that?

16 MR. HAWA: What were you talking  
17 about?

18 MR. HARKRADER: The letter or the --  
19 whatever he got. Whatever Mr. Chill received in  
20 writing from Ms. Dennie.

21 MR. HAWA: No.

1 MR. HARKRADER: Can you make some  
2 inquiries on that?

3 BY MR. HARKRADER:

4 Q. Now having just read question 7 from  
5 the FCC's November 1st letter, is question 7  
6 identical in wording to what you received from  
7 Ms. Dennie?

8 A. As per my recollection, it seems so.  
9 If I'm recalling correctly. You're asking me to  
10 jog a nine-month old memory of one document that,  
11 to me, had only so much importance to my day, not  
12 realizing it was so important. I'm recalling --  
13 the form looks vaguely familiar.

14 Q. The form?

15 A. The form, meaning the date, customer  
16 name, customer telephone number. You know what  
17 I'm saying? The fact of this looks a bit  
18 familiar. I'm speculating that I got the copy of  
19 this page and this page, with maybe like stars by  
20 the numbers, telling me please answer these  
21 questions. That's how it's coming up in my

1 recollection, but I can't be sure.

2 Q. So your recollection is that you also  
3 received a page with questions 4, 5, and 6 which  
4 are also on the same page as question 7?

5 A. You're asking me a question I can't  
6 answer with certainty. But I seem to have that  
7 in the back of my mind. I think I did get the  
8 pages that are here but told to focus on  
9 questions 7 through 11.

10 Q. You don't remember receiving any other  
11 pages other than the pages that contained --

12 A. I'm quite certain I didn't receive  
13 those.

14 Q. Okay. Let me finish my question.

15 A. Sorry.

16 Q. You don't remember receiving any other  
17 pages attached to this November 1st letter other  
18 than the page including questions 8 through 11?

19 A. 8 through 11. Oh, the questions.  
20 That is correct. Correct. I am very certain I  
21 did not see the bulk of this letter and I'm

1 fairly certain that I got these questions in the  
2 form they're presented here.

3 Q. So you didn't receive the first page  
4 of the letter dated November 1st?

5 A. I can tell you with confidence that  
6 today is the first time I recall seeing it.

7 MR. HAWA: I'll make some inquiries,  
8 but if he just got a copy of these two pages and  
9 she starred the ones she wanted him to answer,  
10 then I probably am not going to be able to  
11 produce anything.

12 MR. HARKRADER: If you could run that  
13 down, that's great.

14 BY MR. HARKRADER:

15 Q. Did you have any understanding that  
16 all of the responses that BOI was required to  
17 provide to the FCC were required to be under  
18 oath?

19 A. No, sir.

20 Q. Ms. Dennie did not tell you that?

21 A. If she did, I don't recall it.

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1 Q. You stated just a couple of minutes  
2 ago that you didn't realize it was important.  
3 A. Misspoke. I possibly didn't realize  
4 the gravity of it as being -- but now I'm  
5 speaking with an FCC attorney here that would  
6 suggest some gravity I may not have assigned it  
7 at the time.

8 Q. Did there come a time when you  
9 realized the gravity of this request from the  
10 FCC?

11 A. Yes, sir. That would be when we shook  
12 hands.

13 Q. Today?

14 A. Correct. Let me add, I would not have  
15 modified my questions in any way. I would have  
16 responded similarly and honestly and completely.  
17 It just seemed to be a matter of course. We're  
18 in a telecom industry. Regulatory matters, I  
19 knew, were common. I'm happy to comply then as  
20 now. I just wasn't copied on exactly the  
21 circumstances at the time.

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1 Q. I'd like to direct your attention back  
2 to question 7 which asks whether BOI or its  
3 agents found any instances since April 1st of  
4 2002 in which a BOI telemarketing employee told a  
5 customer that they were representing the  
6 customer's telephone company and denied that they  
7 intended to change the customer's preferred  
8 carrier.

9 Will you read your response to  
10 question 7 into the record please?

11 A. Certainly. "I do have only one single  
12 such instance of the misrepresentation described  
13 in this point and this occurred over five months  
14 ago. Our tape auditor caught this example and it  
15 did not result in a sale. I have no means by  
16 which I can retrieve the documents related to  
17 this situation. I don't recall even the  
18 representative involved. Any such instance  
19 depending on how flagrant would result in  
20 immediate suspension or termination."

21 Q. Did anybody at Business Options review

1 your response to question 7?

2 A. I have no way of knowing, sir.

3 Q. Did you speak with anyone at Business  
4 Options or Buzz Telecom about your response to  
5 question 7?

6 A. I did not.

7 Q. On what were you basing your response  
8 to question No. 7?

9 A. My recollection.

10 Q. Did you do any research within the  
11 company?

12 A. I didn't feel there was any I could  
13 do. I simply responded as best I could as per my  
14 recollection.

15 Q. Do you recall if the instance that you  
16 remembered and referenced in response to question  
17 7 if that ended in a termination?

18 A. I'm almost positive it did. I can't  
19 recall with certainty, but I want to tell you  
20 yes, I'm confident that was the result.

21 Q. But you don't recall the

1 representative involved?

2 A. I just don't. An African American  
3 woman, I'm almost certain. A very easy call on  
4 the termination, if I'm recalling correctly.  
5 That's a very easy call to make. I mean, You're  
6 out of here. She knew it. That's the best I can  
7 do for you.

8 Q. If you recalled her name would you  
9 have been able to provide additional information  
10 such as documents?

11 A. Probably. I bet so.

12 Q. Did you ask anyone at Business  
13 Options, for example, the sales manager?

14 A. The problem is, at the time the  
15 question was posed from the time of the incident,  
16 almost a complete personnel change of management  
17 and director of personnel. And I probably felt  
18 it wouldn't be productive. No one in the  
19 relevant positions in that matter were the same  
20 people, the same administrative staff. So it  
21 would have been a nightmare trying to hunt down

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1 who and where and when.

2 Q. Is it possible to hunt down who and  
3 when?

4 A. I wouldn't know how to.

5 Q. Did you bring it to anyone's attention  
6 at BOI, the fact that you couldn't hunt down this  
7 person?

8 A. I don't think I did.

9 Q. Why not?

10 A. I simply answered the questions and  
11 turned that form in.

12 Q. Do you remember who the tape auditor  
13 was?

14 A. I do not. Again, that position would  
15 have changed a number of times by then.

16 Q. So is it your memory that the tape  
17 auditor or the individual who held the position  
18 of tape auditor -- and I assume there was only  
19 one tape auditor at a given time?

20 A. I believe so. We might have had two  
21 -- I think there were one or two depending on how

1 A. I didn't consider I could speak for  
2 others. If I knew about it though, I would have  
3 reported it. I don't know that there was a  
4 difference really. I don't know that it could  
5 have escaped my knowledge.

6 Q. At this time you were, I believe, an  
7 employee of Buzz Telecom, correct?

8 A. That is correct.

9 Q. Did you understand that when the  
10 Commission referred to BOI in question 7, they  
11 were also referring to Buzz Telecom?

12 A. Oh, I didn't care. Or U.S. Bell. I  
13 looked at it from whatever perspective.

14 Q. So you understood that you were  
15 responding to this question on behalf of Buzz  
16 Telecom and BOI?

17 A. Absolutely.

18 Q. Will you read question 8 from the  
19 February 1st letter from the FCC into the record  
20 please?

21 A. Certainly. "Has BOI or its agents

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1 many sales reps we had going, I believe. But,  
2 yes, just one or two.

3 Q. So it's your memory that at the time  
4 you were responding to the FCC's question 7, the  
5 tape auditor at that time was different than the  
6 tape auditor who was in the tape auditor position  
7 when this instance occurred?

8 A. Yes. Twice over.

9 Q. Do you remember who the tape auditor  
10 was at the time that this representative was  
11 caught?

12 A. I don't know, sir. And I don't know  
13 that I knew the person at the time.

14 Q. Would there have been any way to find  
15 out?

16 A. I don't know how I would have done  
17 that.

18 Q. Did you understand question 7 to imply  
19 to your knowledge or to BOI's knowledge?

20 A. To my knowledge.

21 Q. Why was that?

1 found any instances since April 1, 2002 in which  
2 BOI telemarketing employees told a customer that  
3 they were representing AT&T? If so, provide any  
4 documents related to the discovery of this  
5 practice and describe each instance in detail  
6 including but not limited to date, customer name,  
7 customer telephone number, content of the  
8 conversation."

9 Q. And what was your response to question  
10 8?

11 A. Didn't come up on my watch.

12 Q. Will you read your response?

13 A. "I have reviewed no such examples as  
14 described in this question."

15 Q. Did you talk to anyone else at  
16 Business Options or Buzz about this question?

17 A. I did not.

18 Q. Did you do any research to determine  
19 if anyone else knew if such an instance had  
20 occurred?

21 A. If such an instance had occurred, it

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1 would have come to my attention. It's simply not  
2 possible to escape my attention.

3 Q. But it's my understanding that you  
4 began employment there in May?

5 A. I am only referring to the period of  
6 my employment.

7 Q. But if something had occurred in  
8 April, how would you have known about it?

9 A. I see. I would not have.

10 Q. Did you consider asking anyone else  
11 about anything that may have happened in April  
12 that would have been responsive to question 8?

13 A. I did not.

14 Q. What about with respect to question 7?

15 A. I did not.

16 Q. In your response to question 8, is it  
17 fair to say that you were saying that there are  
18 no such examples?

19 A. There were no such examples, correct.

20 Q. I asked that question because when you  
21 say "I have reviewed no such examples," there's

1 A. Absolutely.

2 Q. Will you please read question 9 from  
3 the FCC's November 1st letter into the record?

4 A. Certainly. "Has BOI or its agents  
5 found any instances since April 1, 2002, in which  
6 BOI telemarketing employees asked a third-party  
7 verifier to answer yes or the telemarketer would  
8 lose his or her job. If so, provide any  
9 documents related to the discovery of this  
10 practice and describe each instance in detail,  
11 including but not limited to, date, customer  
12 name, customer telephone number, content of the  
13 conversation."

14 Shall I read the answer?

15 Q. In a minute. You testified previously  
16 that your recollection is that Ms. Dennie may  
17 have provided you with a copy of this page?

18 A. Correct. May have, yes.

19 Q. Did you understand what question 9 was  
20 trying to get at?

21 A. Sure.

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1 what I would consider to be wiggle room there on  
2 behalf of the company.

3 A. I can assert that none of our  
4 telemarketers uttered AT&T in reference to their  
5 company, their employment, during my time there.  
6 It would have come to my attention had that  
7 occurred. That is an example of malfeasance of a  
8 magnitude that would not have escaped my control,  
9 my responsibility.

10 Q. Again you may have answered this, but  
11 did you base your response to question 8  
12 completely on your memory and recollection at  
13 that time?

14 A. That's correct. Yes, sir.

15 Q. At that time did you consider this  
16 answer, this response to question 8, to be  
17 accurate and complete?

18 A. I did.

19 Q. At the time that you wrote these  
20 responses, did you consider your response to  
21 question 7 to be accurate?

1 Q. What is that?

2 A. A telemarketer seeking support, if you  
3 will, from a verifier simply and possibly in lieu  
4 of accuracy. That's how I would describe it. If  
5 you say to -- please answer these questions yes  
6 or I'll lose my job, you're trying to elicit  
7 support from them, you're trying to elicit help,  
8 rather than just the proper external service  
9 they're providing, which is to verify.

10 Q. Can you give me an example, a  
11 hypothetical example of what would be responsive  
12 to question 9?

13 A. Certainly. So a rep fails to properly  
14 represent the rates -- let's just use that for  
15 example -- whatever those rates would have been.  
16 And then the rep says, Now listen, they're going  
17 to ask you some questions. I'll lose my job if  
18 you say no on this.

19 Q. And who is the rep talking to?

20 A. The rep would be talking to the  
21 customer. And saying, they're going to ask you

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1 some questions, just say yes because I'm going to  
2 lose my job. Asking that the customer ignore the  
3 fact that the verification will mention a  
4 different rate in trying to elicit the sympathy  
5 from the customer that says, I don't want you to  
6 lose your job. Yeah, I'll say yes. The rep  
7 says, it's not important, this is very routine,  
8 very rote. It has nothing to do with what we  
9 just talked about here. That's how I would  
10 interpret it, something like that.

11 Q. Would it also be the case, if I  
12 modified your hypothetical a tad bit, and the  
13 telemarketer did not quote an improper rate, if  
14 the telemarketer gave the customer the straight  
15 dope but still asked that?

16 A. Oh, yeah.

17 Q. Would that still qualify?

18 A. Certainly, certainly. The way I read  
19 it, the telemarketer would alert the customer of  
20 a verification call forthcoming because they want  
21 to make sure the person is still there. But any

1 A. I didn't. It wasn't necessary. It  
2 was not a problem.

3 Q. Did you talk to anybody else in  
4 Business Options?

5 A. I'm sure not.

6 Q. And when you said, "I have seen no  
7 examples," did you mean that there are no  
8 examples?

9 A. Correct. Again, these could not have  
10 escaped my control. They would have been brought  
11 to my attention. Without question, if I didn't  
12 see it, it was because it wasn't happening.

13 Q. I suppose that it's possible that it  
14 was happening but it was just not brought to your  
15 attention by the tape auditor or a manager  
16 walking the floor. Is that possible?

17 A. I consider it's not possible. What  
18 you've just described, I don't consider as  
19 possible. I just don't consider our managers or  
20 our tape auditor -- they would have no reason not  
21 to bring it to my attention.

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1 coaching, any coaching, please answer yes or even  
2 telling them what to say, I would address.

3 So what I grew to allow was the -- if  
4 I'm recalling correctly -- the salesperson will  
5 say that you'll be called by a verification  
6 company so they can see that I'm doing my job  
7 correctly. And that, I accepted. I didn't like  
8 anything more leading than that. I softened I  
9 guess. I thought that was fine if they said  
10 that.

11 Q. What did you respond to question 9?

12 A. Question 9. "Our Telemarketers alert  
13 to customers that the verifiers are there to  
14 assure that the representative is doing his job  
15 correctly. I have seen no examples where it  
16 suggested the rep's job would be lost based on a  
17 verification outcome."

18 Q. What did you do to respond to question  
19 9?

20 A. Again, my recollection.

21 Q. Did you do any research?

1 Indeed, the problem I had, if you  
2 will, was how much was brought to my attention  
3 that I felt they could have handled. So we had a  
4 little bit of the opposite, if you will. Go ask  
5 Gene. Go ask Gene. They erred on the side of  
6 caution way more than on the side of  
7 carelessness.

8 Q. The managers and tape auditors?

9 A. Yes. Yes.

10 Q. Did the tape auditor listen -- I don't  
11 mean to be naive about the process -- but did the  
12 tape auditor listen to every single tape?

13 A. Every single tape.

14 Q. And was every single conversation  
15 recorded?

16 A. Not every single conversation. Every  
17 rep was recorded, if I recall correctly, for 30  
18 minutes every other day or an hour every other  
19 day. Or maybe 60 minutes every other day or  
20 something like that, or that's what the math  
21 ended up being. They would never know when.

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1 We actually took steps to ensure there  
2 was no way for it to become known, where we would  
3 make sure our tape auditor -- we moved the office  
4 of our tape auditor so not even eye contact would  
5 be made. Do you know what I mean? Not even  
6 potential for a rep to become self-conscious,  
7 such as, I think he's looking at me. We didn't  
8 give them a chance. We thought of everything.

9 And then, yeah, there's no way  
10 electronically to tell. There was no difference  
11 in your headset, for example. We did everything  
12 we could to make sure these people didn't have  
13 any idea they were being taped. And, yes, the  
14 tape auditor listened to every tape that we  
15 taped.

16 Q. And you have no memory of anyone every  
17 reviewing your response to question 9?

18 A. I don't have any knowledge of that.

19 Q. And you didn't speak to anyone about  
20 your response to question 9?

21 A. Didn't speak to anybody, correct.

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1 Q. And did you consider this response to  
2 be accurate and complete?

3 A. Yes, sir.

4 Q. Will you please read question 10 into  
5 the record.

6 A. I will. And I'm horrified to say I  
7 didn't answer that one. Questions 10: "Has BOI  
8 or its agents found any instance since April 1,  
9 2002, in which BOI telemarketing employees  
10 changed the customer's preferred carrier by  
11 asking the customer whether he or she wanted to  
12 change their preferred carrier or without  
13 mentioning the name of Business Options? If so,  
14 provide any documents related to the discovery of  
15 this practice and describe each instance in  
16 detail, including but not limited to date,  
17 customer name, customer telephone number, content  
18 of the conversation."

19 Q. Did you, at the time you read question  
20 10, did you understand what kind of information  
21 it called for?

1 A. Sure.

2 Q. And what was that?

3 A. We are a long distance provider called  
4 Business Options. That's the name of the  
5 product, and it's important that our  
6 representatives sell the product we're selling,  
7 and not some other product or be vague about our  
8 product. We drill that into them pretty hard in  
9 the training session. We all made very sure that  
10 they knew that, and they didn't get up there and  
11 try to be selling something else, you know. We  
12 used the example of cars. You're not selling  
13 this model car. You're selling this model car,  
14 and we wanted them to know this.

15 Q. And you did not respond to this  
16 question?

17 A. I did not respond to this question. I  
18 have no explanation why. I can tell you that I  
19 would have been happy to. I don't know why no  
20 one brought it to my attention. This is the  
21 first I've seen it, and it was an absolute

1 oversight. I'll tell you this: My office was  
2 Grand Central Station and I probably just got  
3 distracted.

4 I'm sorry that Shannon wouldn't have  
5 sent it back to me and said, Gene, what did you  
6 do? You missed a question here. Because I would  
7 have been happy to plug it in. I had two boxes  
8 of Kleenex on my desk just because of employees  
9 coming to my office with personal matters. I'm  
10 just describing to you the kind of traffic I had.  
11 So this is clearly my spacing it out, obviously,  
12 in the course of my crazy day. I'd be happy to  
13 answer it now.

14 Q. Ms. Dennie did not come back to you  
15 and ask for a response to question 10?

16 A. No. And I don't know why. It's  
17 pretty obvious when you look at it that it wasn't  
18 answered.

19 Q. Did Kurtis come back to you and --

20 A. Obviously not. I would have been  
21 happy to have retyped it on the computer. It

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1 only takes a moment.

2 Q. Did you have any discussions with  
3 anyone about question 10?

4 A. Not a word.

5 Q. Did you even look into whether or not  
6 to respond to this question?

7 A. Of course. I read it. I even recall  
8 it. And there's nothing to not respond to.

9 Again, it must be the -- there were gags about  
10 how many half written dispatches I would have  
11 because, you know -- Gene, can I come in and talk  
12 to you? It was a nightmare. I don't even know  
13 that I was an asset to the company for being so  
14 amenable sometimes. So anyway, it was just the  
15 fact that there was some distraction, obviously.

16 Q. But you did not intend to --

17 A. No, of course not.

18 Q. Well, let me ask you the question.

19 A. Okay. Sorry.

20 Q. You did not intend to leave the  
21 response to question 10 out of your responses?

1 Q. Described in questions 7 through 10?

2 A. Yes. Correct.

3 Q. What was your response? Will you  
4 please read that into the record.

5 A. Yes. "We terminated a Melissa Grissom  
6 [spelled phonetically] in May 2002 for violations  
7 that most closely approximate what has been  
8 described in your questionnaire. This woman, in  
9 fact, sought to be rehired in late October but  
10 this was declined."

11 Q. And then that's the end of your  
12 response?

13 A. Correct.

14 Q. Why was Ms. Grissom terminated?

15 A. I'm trying to remember exactly. I  
16 terminated her personally. I did not hear the  
17 tape. I got a report of the tape and it was a --  
18 it was kind of little bit of both of that which  
19 is mentioned in 10 and 7, I think, if I'm  
20 recalling correctly. She was just  
21 misrepresentative, just did not really come out

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1 A. Absolutely did not intend to. In  
2 fact, I was checking to see if maybe I left out  
3 11 and misnumbered that one. But I think it's  
4 clear that it was 10 that didn't get answered. I  
5 absolutely did not intend to not answer that  
6 question.

7 Q. Will you please read question 11 into  
8 the record.

9 A. Certainly. "How many telemarketers  
10 have been dismissed for engaging in any of the  
11 practices mentioned in paragraph 7 through 10.  
12 Provide any documents related to discipline  
13 actions taken and describe each instance in  
14 detail including but not limited to, name,  
15 address, and telephone number of the  
16 telemarketer, date of the occurrence, customer  
17 name and telephone number, nature of the  
18 practice."

19 Q. And what did that question call for?

20 A. Just specifically, who did we can over  
21 the various matters described here.

1 and say who she was or something. I can't  
2 remember exactly, but it was just if you listen  
3 to it -- do you know what I mean? It wasn't one  
4 specific item. She just didn't properly  
5 represent herself as being from this company,  
6 selling this product.

7 And I called her in. I got the  
8 report. It was written, and the tape came  
9 because I did have the tape with me at the time.  
10 I said, Listen, this is what's written here, this  
11 is what I'm being told by the tape auditor. If  
12 you said this, you're gone.

13 And she denied and denied. So I said,  
14 Let's listen to the tape. So I called for the  
15 tape -- I was new at the company at the time. So  
16 I said, Let's find out now while we're talking.  
17 I opened the machine and put the tape in and I  
18 was about to push play.

19 She said, All right. I did it. So I  
20 never heard the tape. Right up to the time I'm  
21 about to push play, Fine, I did it.

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1 So I said, Okay, we can't keep you  
2 here if you did this. It was just, I think,  
3 violating point 10 was the best description  
4 besides other things, I think. But that would be  
5 the closest example according to this list here.  
6 Q. Did you also have a recollection that  
7 according to the report, that this situation  
8 would have been responsive to question 7?  
9 A. I seem to -- oh, no. That would not  
10 be correct. I don't remember. I suppose I don't  
11 remember. The customer's telephone company? Not  
12 outright. But it was just a gunky sale. You  
13 know what I mean? I can't give you a specific.  
14 It was just that she didn't follow the script,  
15 promote who she was with, and sell our product.  
16 She just didn't do that. And it's hard to define  
17 exactly how she didn't do it, but if you heard  
18 it, you'd know it. So she was terminated on the  
19 spot.  
20 Q. So when you responded to question 11  
21 at that time, what was your understanding of

1 A. I apologize. I didn't understand your  
2 question.  
3 Q. The Business Options December 9th  
4 letter to the FCC that is responding to the FCC's  
5 November 1st letter attaches several documents.  
6 A. Right. Okay. I'm understanding you  
7 now. Were these pertaining to the questions.  
8 Okay. I'm going to say certainly not this one.  
9 I don't even know what that is. Oh, no. Of  
10 course. Okay. Well, yes, to some degree this is  
11 what Melissa, for example, violated. The  
12 standard sales pitch would be a broad generic  
13 description of her noncompliance. So that would  
14 apply to some degree. Objection Handlings would  
15 not. But, yeah, the standard sales pitch,  
16 certainly.  
17 Q. Did you have any conversations with  
18 anyone at the FCC about your responses to the  
19 November 1st letter from the FCC before today?  
20 A. You are the first FCC individual I  
21 have spoken to per my recollection.

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1 where Melissa Grissom's situation would have  
2 applied in questions 7 through 10?  
3 A. The closest that it would be, would be  
4 10 as per this list. I think I recall that it  
5 just wasn't enough promoting of the idea of  
6 Business Options.  
7 Q. Okay. Were you responsible for  
8 responding to question 12 in the FCC letter?  
9 A. No, sir.  
10 Q. How did you know that?  
11 A. I'm going by recollection. 7 through  
12 11 are the questions I understood that I was to  
13 answer.  
14 Q. Did Ms. Dennie tell you that?  
15 A. Yes. She's the only one I spoke with  
16 about this. I can also -- reading it here -- can  
17 assure you that this again was just not under my  
18 periphery. I would have no knowledge of this.  
19 Q. Were any of the documents that were  
20 attached to Business Options' response responsive  
21 to questions 7 through 11?

1 Q. Lucky you.  
2 MR. HAWA: Now make sure you get that  
3 Trent said that.  
4 MR. SHOOK: Other than me.  
5 THE WITNESS: That's right. I spoke  
6 to you a week ago and we had a nice conversation  
7 on the phone. That's right. So I guess I lied  
8 to you, and this would be the second.  
9 MR. SHOOK: You just didn't remember.  
10 THE WITNESS: I didn't remember.  
11 MR. SHOOK: There's a big difference.  
12 THE WITNESS: I got it. BY MR.  
13 HARKRADER.  
14 Q. I will represent to you that there  
15 were a couple of other letters sent by Business  
16 Options to the FCC in the December 20th and 26th  
17 time frame roughly. Are you aware of those  
18 letters at all?  
19 A. I sure am not, sir. If I was copied  
20 on them or saw them, I have no recollection in my  
21 mind.

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1 Q. You didn't write any of those letters?

2 A. I sure don't remember doing so.

3 Q. Did there come a time when you found  
4 out that the FCC had issued a Show Cause Order to  
5 Business Options?

6 A. I don't know that I understand what a  
7 Show Cause Order is.

8 Q. Let me show you a copy of the order to  
9 which I'm referring. What this is, is an Order  
10 to Show Cause and Notice of Opportunity for  
11 Hearing that was released on April 7th, 2003 by  
12 the FCC.

13 A. I am aware of this.

14 Q. Have you seen this Show Cause Order  
15 before?

16 A. Yes, sir.

17 Q. When was that?

18 A. Well, I'm answering you with  
19 certainty. Let me qualify that. I believe that  
20 I saw this come over the fax. Would you have  
21 faxed this?

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1 Q. I believe someone at the FCC would  
2 have faxed this.

3 A. Let me say it to you this way: While  
4 in the office of Avatar where I had my new office  
5 and my new position, I was present when a lengthy  
6 fax from the FCC came in. And I recall it simply  
7 because I recall how it grabbed Shannon Dennie's  
8 attention who was in my vicinity. I didn't read  
9 it. I didn't see it. It had nothing to do with  
10 my job. And frankly, I couldn't be bothered.  
11 Time-wise, I was very involved with what I was  
12 doing.

13 But being easy to talk to and I guess  
14 at least in Shannon's eyes, I was the ranking  
15 individual at the time -- Kurtis was out of town  
16 -- she asked me what she should do. No. That's  
17 too strong. Her concern was evident, and I just  
18 remember somehow she got my attention over it. I  
19 don't remember exactly. But I told her, If you  
20 have a question, call Kurtis. So that was the  
21 extent of it.

1 Q. Is it your recollection that you  
2 received this around April 7th?

3 A. The timing sounds right. I frankly  
4 don't recognize it at all, because I really  
5 didn't focus on it. But the date, more than  
6 anything else, tells me what that this must be  
7 it.

8 Q. And at that time you were not working  
9 as vice president of administration?

10 A. That's correct.

11 Q. You were vice president of marketing?

12 A. And not for Buzz Telecom but for  
13 Avatar Enterprises.

14 Q. Do you recall what Shannon Dennie said  
15 to you?

16 A. Oh, I sure don't. I was knee deep in  
17 a 54 page prospectus for a publishing outline. I  
18 was just -- I mean, I can't tell you how many  
19 times I heard, Gene, what do you think I should  
20 do? It rings in my ears at night. So I said  
21 something like, Shannon, get Kurtis on the phone

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1 or something. You know what I mean? That was  
2 really the whole of it. It actually took longer  
3 to say it to you, I think, than to execute. It  
4 wasn't my responsibility.

5 Q. But you didn't read the Show Cause  
6 Order?

7 A. No, I did not.

8 Q. And you weren't responsible for any of  
9 the efforts that Business Options or Buzz or  
10 Avatar took to respond to it in any way?

11 A. Absolutely none. No connection to it.  
12 Only learned about it very much after the fact,  
13 the specifics anyway. It was evident that  
14 something was happening, very significant matter  
15 for a company. And so naturally you learn  
16 something. But it was so removed from my role of  
17 responsibility that it was in passing, a water  
18 cooler discussion, rather than anything that had  
19 to do with my position. I said water cooler  
20 discussion, but you get the point.

21 Q. To this day, have you read the Show